

393A.830 Security breach.

- (1) Except to the extent prohibited by law other than this chapter, the administrator or administrator's agent shall notify a holder as soon as practicable of:
 - (a) A suspected loss, misuse or unauthorized access, disclosure, modification, or destruction of confidential information obtained from the holder in the possession of the administrator or an administrator's agent; and
 - (b) Any interference with operations in any system hosting or housing confidential information which:
 1. Compromises the security, confidentiality, or integrity of the information; or
 2. Creates a substantial risk of identity fraud or theft.
- (2) Except as necessary to inform an insurer, attorney, investigator, or others as required by law, the administrator and an administrator's agent shall not disclose, without the express consent in a record of the holder, an event described in subsection (1) of this section to a person whose confidential information was supplied by the holder.
- (3) If an event described in subsection (1) of this section occurs, the administrator and the administrator's agent shall:
 - (a) Take action necessary for the holder to understand and minimize the effect of the event and determine its scope; and
 - (b) Cooperate with the holder with respect to:
 1. Any notification required by law concerning a data or other security breach; and
 2. A regulatory inquiry, litigation, or similar action.

Effective: July 14, 2018

History: Created 2018 Ky. Acts ch. 163, sec. 83, effective July 14, 2018.